

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

PATRICE ANN MORRIS	)	
	)	
v.	)	No. 3-10-1045
	)	
WAL-MART STORES EAST, LP;	)	
WAL-MART REAL ESTATE BUSINESS	)	
TRUST; and SOVEREIGN	)	
COMMERCIAL MAINTENANCE	)	
COMPANY, LLC	)	

ORDER

Counsel for the parties appeared on January 20, 2011, for the scheduled initial case management conference. However, after discussion with counsel, it appeared that the plaintiff might add ICI Paints (or some iteration of that entity), as named in the answer of defendant Sovereign Commercial Maintenance Company, LLC ("Sovereign") (Docket Entry No. 21), as potentially comparatively at fault. The parties shall engage in initial formal or informal discovery to determine the proper ICI entity and to discover any contract or other documents of purchase and sale of the paint to either of the Wal-Mart defendants to determine whether Wal-Mart specified the type of paint in any contract or purchase order.

The Wal-Mart defendants shall provide the above information to the other parties, including any contract between Wal-Mart and ICI Paints, and, if no contract was entered into, any purchase order or other documentation reflecting the type of paint ordered. Counsel for defendant Sovereign agreed to provide counsel for the Wal-Mart defendants with any information that would assist in determining the dates of purchase. The Wal-Mart defendants estimated that it might take three (3) weeks to provide such information.

Because there may be another defendant added and such defendant should be provided the opportunity to have input into the development of an initial case management order,<sup>1</sup> the initial case

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<sup>1</sup> In addition, the plaintiff may need additional surgery and a decision on that issue will be made in the near future.

management conference is RESCHEDULED to **Tuesday, March 22, 2011, at 10:30 a.m.**, in Courtroom 764, U.S. Courthouse, 801 Broadway, Nashville, TN.

As provided in the orders entered November 8, 2010, November 29, 2010, and December 1, 2010 (Docket Entry Nos. 3, 9, and 13), there is no stay of discovery.

The Court urges the parties to address the issue of whether ICI will be added as a defendant and, if the plaintiff (or Wal-Mart) determine that it should be added as a defendant, to file an amended complaint (or third-party action) and serve the new defendant as expeditiously as possible so that counsel for the new defendant will be able to participate in the March 22, 2011, initial case management conference.

It is so ORDERED.

  
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JULIET GRIFFIN  
United States Magistrate Judge